



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

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DA 11-76
Released: January 13, 2011

**COMMENTS INVITED ON APPLICATION OF AMERICAN FIBER NETWORK, INC.
TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES &
INTERCONNECTED VOIP SERVICES**

**WC Docket No. 11-5
Comp. Pol. File No. 974**

Comments Due: January 28, 2011

Section 214 Application

Applicant: American Fiber Network, Inc.

On December 20, 2010, American Fiber Network, Inc. (AFN or Applicant), located at 9401 Indian Creek Parkway, Suite 208, Overland Park, KS 66210, filed an application with the Federal Communications Commission (FCC or Commission) requesting authority, under section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and section 63.71 of the Commission's rules, 47 C.F.R. § 63.71, to discontinue the provision of certain domestic telecommunications services in Arizona, Arkansas, Connecticut, Hawaii, Idaho, Nevada, North Dakota, Oklahoma, South Dakota, Utah and Wyoming; and certain interconnected Voice over Internet Protocol (VoIP) services in Utah (collectively Service Areas).¹ By an amendment filed January 12, 2011, AFN corrected certain deficiencies in its initial application and updated the record regarding notice to the Special Assistant for Telecommunications for the Secretary of Defense. Accordingly, AFN's application is deemed complete as of January 12, 2011.

AFN indicates that it currently provides resold local exchange services to residential and business customers in Arizona, Arkansas, Connecticut, Nevada, Oklahoma and Utah; and resold long distance services to residential and business customers in Arizona, Arkansas, Connecticut, Hawaii, Idaho, Nevada, North Dakota, Oklahoma, South Dakota, Utah and Wyoming. AFN states that it also provides payphone access line services in Arizona, Arkansas, Connecticut, Idaho, North Dakota, Oklahoma, South Dakota, Utah and Wyoming; interconnected Voice over Internet Protocol services in Utah; and international services. AFN indicates, however, that it plans to discontinue the provision of all affected services in the Service Areas on or after January 21, 2011, subject to regulatory approval.² In its notices to customers, AFN specifies that it anticipates discontinuing services subject to regulatory approval on January 21, 2011 in Arkansas, Hawaii, Idaho, Nevada, North Dakota, Oklahoma, South Dakota and Wyoming; on February 10, 2011 in Utah; on February 20, 2011 in Arizona; and on March 10, 2011 in Connecticut.

¹ AFN's application was subsequently received in the Competition Policy Division of the Wireline Competition Bureau on January 5, 2011.

² Discontinuance of international service is governed by 47 C.F.R. § 63.19.

AFN indicates that it provided customer notification of the proposed discontinuance with letters sent on December 15, 2010. AFN states that it is non-dominant with respect to the services it proposes to discontinue.

In accordance with section 63.71(c) of the Commission's rules, AFN's application will be deemed to be granted automatically on the 31st day after the release date of this public notice, unless the Commission notifies AFN that the grant will not be automatically effective. In its application, AFN indicates that it plans to discontinue services on or after January 21, 2011 subject to regulatory approval, and, in its notices to customers, AFN specifies that it anticipates discontinuing services on January 21, 2011 in Arkansas, Hawaii, Idaho, Nevada, North Dakota, Oklahoma, South Dakota and Wyoming; on February 10, 2011 in Utah; on February 20, 2011 in Arizona; and on March 10, 2011 in Connecticut. Accordingly, pursuant to section 63.71(c) and the terms of AFN's application and notices, absent further Commission action, AFN may terminate all affected services on or after **February 13, 2011** in Arkansas, Hawaii, Idaho, Nevada, North Dakota, Oklahoma, South Dakota, Utah and Wyoming; on or after **February 20, 2011** in Arizona; and on or after **March 10, 2011** in Connecticut. The Commission normally will authorize proposed discontinuances of service unless it is shown that customers or other end users would be unable to receive service or a reasonable substitute from another carrier, or that the public convenience and necessity would be otherwise adversely affected.

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's ex parte rules, 47 C.F.R. §§ 1.1200-1.1216. Comments objecting to this application must be filed with the Commission on or before **January 28, 2011**. Such comments should refer to **WC Docket No. 11-5 and Comp. Pol. File No. 974**. Comments should include specific information about the impact of this proposed discontinuance on the commenter, including any inability to acquire reasonable substitute service. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Filers should follow the instructions provided on the Web site for submitting comments. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.

Parties who choose to file by paper must file an original and four copies of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street, S.W., Room TW-A325, Washington, D.C. 20554. The filing hours are Monday through Friday, 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, S.W., Washington, D.C. 20554.

Two copies of the comments should also be sent to the Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 5-C140, Washington, D.C. 20554, Attention: Carmell Weathers. In addition, comments should be served upon the

Applicant. Commenters are also requested to fax their comments to the FCC at (202) 418-1413, Attention: Carmell Weathers.

The application will be available for public inspection and copying during regular business hours at the FCC Reference Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554, (202) 418-0270. A copy of the application may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone (202) 488-5300, facsimile (202) 488-5563, or via e-mail at FCC@BCPIWEB.COM. People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

For further information, contact Carmell Weathers, (202) 418-2325 (voice), carmell.weathers@fcc.gov, or Kimberly Jackson, (202) 418-7393 (voice), kimberly.jackson@fcc.gov, of the Competition Policy Division, Wireline Competition Bureau. The tty number is (202) 418-0484. For further information on procedures regarding section 214 please visit http://www.fcc.gov/wcb/cpd/other_adjud.

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